3/10/72

Mr. William Ray, Chief
Complaints and Compliance Division
Federal Communications Commission
Washington, D.C.

Dear Mr. Ray,

In the past I have made a number of requests under applicable FCC regulations for an equal and fair opportunity to present the other-than-official side on radio and TV stations and networks[illegible] by the Ray assassination story. In not one case to date has this been granted. In not a single case or in a single way of which I know has the public been given any but the official version of the fact and all the many issues and questions of national concern and importance inextricably involved. Among those presented by licensees on this one, official side are a number of authors, including William Bradford Huie and Jim Bishop, several lawyer writers, Percy Foreman and Arthur Hanes, Sr., and a former Attorney General of the United States who was party pro in this matter.

Now a major publisher with enormous resources and a vast investment in a book, only one of which is a six-figure advance, is about to issue this book, "An American Death", by Gerold Frank. It would seem impossible for the investment to be recovered without the most extensive free use of the people's air, by radio and TV. And this book is but another one-sided presentation of the official version. I believe I am the only one qualified to present the other side adequately and to your knowledge from previous correspondence, I have been refused, which means that the people have had and now again will have access to only one side, one version. I believe this is wrong under FCC regulations. But the media's dedication to one-sided presentation even extends to "Public" TV, which as a network and through two individual licensees has also refused to air the other-than-official side in this case and all that is involved in it.

I do not know whether simultaneous presentation of contrasting views and facts are required under the regulations when it is possible, but I think the interests of the public and of fairness are best served by it. Accordingly, I have written letters, copies of which are enclosed, to NBC, CBS, ABC and Westinghouse, all of whom have aired the other side and have refused to air the one for which I believe I alone can speak. Like all the others aired, Mr. Frank avers that James Earl Ray was the lone assassin. Mr. Ray has never been tried and is seeking a public trial. He cannot speak for himself, but he has authorized me to do so for him, as I have informed all the licensees I have written. Mr. Ray not only denies he was the assassin or even an assassin but, even under duress, when he had reason to believe his life might be endangered by it, insisted upon saying this. Under these circumstances, I believe further and irreparable harm can be done to him as well as to the people's right to both sides in all that is involved in this case.

My request for simultaneous appearance with any made by Mr. Frank is not one raising a question of prior restraint but rather is an effort to at long last and too late see to it that there is a fair opportunity for the presentation of both sides on all the many important national interests and concerns involved. I do hope, especially with the one-sided record of which you are aware, that there is some proper means by which the FCC can help effectuate this.

Sincerely,

Harold Weisberg